

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/22/2022
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZACH WESTER, Derivatively on Behalf of :
Nominal Defendant APPHARVEST, INC, :
: :
Plaintiff, :
-against- :
: :
KIRAN BHATRAJU, CIARA BURNHAM, :
GREGORY COUCH, ANNA MASON, :
MARTHA STEWART, R. GEOFF ROCHESTER, :
JEFFREY UBBEN, ROBERT J. LAIKIN, :
JONATHAN WEBB, DAVID LEE, and LOREN :
EGGLETON, :
: :
Defendants. :
-----X

22-CV-5031(VEC)
22-CV-2037 (VEC)

ORDER

-----X
MICHAEL ROSS, Derivatively on Behalf of :
Nominal Defendant APPHARVEST, INC., :
: :
Plaintiff, :
-against- :
: :
KIRAN BHATRAJU, CIARA BURNHAM, :
GREGORY COUCH, ANNA MASON, MARTHA :
STEWART, R. GEOFF ROCHESTER, JEFFREY :
UBBEN, JONATHAN WEBB, DAVID LEE, :
AND LOREN EGGLETON, :
: :
Defendants, :
And, :
: :
APPHARVEST, INC., :
Nominal Defendant. :
-----X

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 20, 2022, Plaintiffs in the above-captioned cases filed a proposed stipulation to consolidate their claims pursuant to Fed. R. Civ. P. 42(a)(2), Dkt. 24; and

WHEREAS Defendants do not oppose consolidation.


IT IS HEREBY ORDERED that the stay on Case No. 22-cv-2037 is hereby LIFTED for the limited purpose of consolidation.

IT IS FURTHER ORDERED that Case Nos. 22-cv-2037 and 22-cv-5031 will be CONSOLIDATED for all purposes on the docket of Case No. 22-cv-2037. All future submissions must be filed on the docket of Case No. 22-cv-2037, and all counsel must file notices of appearance in that case. The Court will enter the Proposed Stipulation of Consolidation, docket entry 24, by separate order.

IT IS FURTHER ORDERED that, after consolidation, Case Nos. 22-cv-2037 and 22-5031 shall be STAYED pending a decision on the motion to dismiss in the related action of 21-cv-7985, *Ragan v. AppHarvest, Inc. et al.*

SO ORDERED.

Date: July 22, 2022
New York, New York



VALERIE CAPRONI
United States District Judge